

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
The Southern New England Telephone)	
Company Petition for Expedited Waiver)	
)	
SBC Request to Extend Limited Waiver)	
of Coding Digit Requirements)	
)	
GTE Petition for Extension of Waiver)	CC Docket No. 96-128
)	
American Public Communications Council)	
Motion for Deferral of the Effective Date)	
of the Payphone Order's Call for Tracking)	
Verification Requirement)	
)	
)	
Implementation of the Pay Telephone)	
Reclassification and Compensation)	
Provisions of the Telecommunications)	
Act of 1996)	

OPPOSITION OF MCI WORLDCOM

MCI WorldCom, Inc. ("MCI WorldCom"), pursuant to section 1.45(a) of the Commission's Rules, hereby submits its opposition to the above-captioned petitions and motions that were filed December 9 and 10, 1998. Delay by local exchange carriers in the ubiquitous implementation of Flex ANI requires interexchange carriers such as MCI WorldCom to expend considerable resources in continuing to track "07" calls, and adversely affects our ability to pay compensation accurately. The Commission has previously granted extensions of time to permit the incumbent local exchange carriers to remedy the technical issues that would allow them to

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fully implement Flex ANI. Further delay leaves implementation incomplete, and unfairly adds to the cost of long distance carriers.

Background

Southern New England Telephone Company ("SNET") seeks a waiver, to May 1999, to comply with Commission requirements for tandem screening, 800-to-POTs, and to modify two central offices in its serving area that are not currently equipped with digital technology.¹ SNET states that its vendors are expected to provide tandem screening and 800-to-POTs functionality in May 1999. In addition, SNET would like to defer upgrades to two of its central offices until May, when the tandem screening feature will be available.

Southwestern Bell Telephone, Pacific Bell, and Nevada Bell ("SBC") seek an indefinite extension for 800-to-POTs and screening of 800-type database calls at tandem switches.² Unlike its smaller affiliate, SNET, SBC's vendors are apparently not providing firm dates for delivery of functionality necessary to fully implement Flex ANI. SBC's request, therefore, does not contain a date certain when Flex ANI would be implemented. It asks for an indefinite extension, measured from various undefined implementation "milestones" that appear to have the effect of deferring its implementation compliance until late 1999, 2000 or beyond.

GTE Service Corporation ("GTE") asks for an extension until June 30, 1999 to comply

¹ Petition for Expedited Waiver, filed by Southern New England Telephone Company, December 9, 1998, CC Docket No. 96-128.

² Petition for Expedited Temporary Extension of Limited Waiver To Implement Flex ANI, filed by Southwestern Bell Telephone Company, Pacific Bell, and Nevada Bell, filed December 9, 1998, CC Docket No. 96-128.

with the information digit requirements.³ GTE similarly cites delays in receiving vendor software, as well as coordination difficulties with independent local exchange carriers that subtend GTE tandems.

American Public Communications Council ("APCC") seeks a delay, to year-end 1999, for the requirement that interexchange carriers verify their per-call tracking capabilities, citing the local carriers' inability to completely implement information digit requirements.⁴ APCC argues that implementation by local carriers, as well as interexchange carriers, of per-call tracking requirements has been "erratic," and argues that it is premature for the Commission to conclude that there has been adequate verification of interexchange carrier compliance.

Discussion

MCI WorldCom opposes the local carrier extensions of time. Simply put, the inability of local carriers to fully implement Flex ANI imposes costs on the long distance industry. Considerable additional effort and expense is required in order to track and pay on "07" calls. Moreover, the process is less than perfect. Methods used to capture "07" digits, track the data against valid ANIs, and pay compensation are inherently less reliable than if the correct information digits were provided by the local carriers. Continued delay in implementation has the unavoidable outcome of making the compensation mechanism less accurate than it could be.

³ Petition for Extension of Waiver, filed by GTE Service Corporation, December 10, 1998, CC Docket No. 96-128.

⁴ Motion for Deferral of the Effective Date of the Payphone Order's Call Tracking Verification Requirement, filed by American Public Communications Council, December 10, 1998, CC Docket No. 96-128.

The instant petitions simply continue the pattern of delay that was begun in October 1997, when the Commission issued the first extension of time, to March 9, 1998, for local carriers to provide payphone-specific coding digits.⁵ At that time, the Commission noted that the industry is working on an “expeditious” resolution to this situation. Waivers were subsequently granted extending the time to December 31, 1998.⁶ These original waivers eviscerated the rule established by the Commission in its 1996 Payphone decision, and were not supported by any good cause reasons for extension. The instant petitions are the fruits of those earlier waiver decisions, since the local carriers now appear to believe they have an entitlement to delay implementation of Flex ANI to a date of their own convenience. Moreover, Applications for Review of the Commission’s March 9, 1998 decision permitting extensions remain pending.⁷ To allow those applications to remain pending while yet another extension request is debated denies the interexchange industry the ability to challenge the Commission’s decision-making in this docket.⁸ This is particularly true given the Commission’s efforts to thwart judicial review of

⁵ Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128, DA 97-2162, released October 7, 1997. Significantly, the Order requires the local carriers to pass info digits where they are able to do so.

⁶ See Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128, 13 FCC Rcd 11210 (1998).

⁷ International Telecard Association Application for Review, Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128 (April 8, 1998).

⁸ International Telecard Association and WorldCom Inc. v. Federal Communications Commission, Case No. 98-1291 (D.C. Cir.), dismissed (September 15, 1998).

the March 9, 1998 order.⁹

In addition, SBC's exhaustive and exhausting pleading, which includes no firm date on which SBC will commit to implementation, must be denied. It is inconceivable that a local carrier the size of SBC would have no commitments from its vendors for software upgrades more than two years after the Commission originally ordered local carriers to deploy Flex ANI for the purpose of delivering information digits essential to track payphone calls. GTE appears to have such commitments, and has asked for a date certain. Even SNET -- SBC's own affiliate -- is prepared to commit to a specific date. Given that SBC's switch vendors are identical to those of other local carriers, there is absolutely no reason to countenance SBC's open-ended request to implement Flex ANI "whenever."

APCC's Motion should also be denied. As APCC notes, the Commission required that carriers verify per call compensation in the year immediately following the implementation date for per call compensation. Since per call compensation was implemented in October 1997, verification is required for the calendar year January 1, 1998 through December 31, 1998. APCC now argues, on the basis of the Flex ANI extension requests now pending, that the Commission should not find that interexchange carriers have adequately verified their per-call tracking capabilities. This request should be denied for the reasons discussed, below.

The local exchange carrier petitions make clear that the percent of payphones affected by the extension request is small -- between 1 and 5 percent. APCC presents no information to explain why, given the relatively low levels of payphones affected by local carrier

⁹FCC Reply in Support of Motion to Dismiss, International Telecard Association and WorldCom, Inc. v. FCC, Case No. 98-1291 (D.C. Cir.), July 28, 1998.

noncompliance, the interexchange carrier verification process as a whole would be invalid.

The Commission's verification requirement is that a carrier maintain appropriate records and certify the accuracy of its tracking methodology and data used to pay-per call compensation. MCI WorldCom can certify to that today -- the verification requirement is completely independent of perfect execution of the rules the Commission created in 1996. Implementation of Commission rulemaking actions often must account for individual company capabilities or technology issues. On its face, the Commission's payphone order is not in any way contingent on the presence of ubiquitous Flex ANI deployment. As APCC itself notes, MCI WorldCom is utilizing alternative methods of tracking and paying per call compensation. Our methods are as accurate as they can be under the circumstances, and we believe our company is in full compliance with call tracking requirements. There is no reason to defer and delay interexchange carrier verification reports, in effect extending the verification period by many months, because 1 to 5 percent of payphones are not served by local carriers that have deployed Flex ANI. APCC's Motion should be denied.

Conclusion

MCI WorldCom requests that the Commission deny the above-captioned motions and petitions to extend the dates for compliance with Flex ANI requirements, and for extension of time for interexchange carriers to file validation reports.

Respectfully submitted,
MCI WORLDCOM, INC.



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Dated: December 21, 1998

STATEMENT OF VERIFICATION

I have read the foregoing, and to the best of my knowledge, information, and belief there is good ground to support it, and that it is not interposed for delay. I verify under penalty of perjury that the foregoing is true and correct. Executed on December 21, 1998.



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CERTIFICATE OF SERVICE

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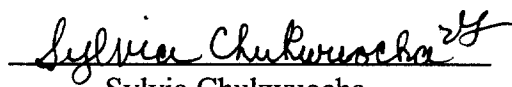
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